

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER COSTA, M.D.,	)	CASE NO. 4:05CV3248
	)	
Plaintiff,	)	
vs.	)	
	)	
MICHAEL O. LEAVITT, Secretary,	)	
U. S. Department of Health and	)	PLAINTIFF'S MOTION FOR
Human Services, and his Successors;	)	ATTORNEY FEES
UNITED STATES DEPARTMENT	)	
OF HEALTH AND HUMAN SERVICES;	)	
and the NATIONAL PRACTITIONER	)	
DATA BANK, an Entity of and Run by	)	
the U.S. Department of Health and	)	
Human Services,	)	
	)	
Defendants.	)	

Comes now the plaintiff Christopher M. Costa, M.D., by and through counsel, and pursuant to 28 U.S.C. § 2412(d), Fed.R.Civ.P. 54(d)(2), and NECivR 54.3, hereby moves the court for an order requiring defendants to pay reasonable attorney fees and expenses to plaintiff in connection with the above-captioned case. In support of this motion, plaintiff shows to the court the following:

1. On September 23, 2005, plaintiff filed the above-captioned case against the defendants requesting that the Correction Statement, Subject Statement and Secretarial Review Decision regarding plaintiff be removed from the National Practitioner Data Bank and requesting attorney fees. (Filing No. 1)
2. On April 14, 2006, plaintiff and defendants filed cross motions for summary judgment. (Filing No. 26 and 28 respectively)
3. On July 26, 2006, the court issued its Memorandum and Order granting plaintiff's

motion for summary judgment and denying defendants' motion for summary judgment. (Filing No. 40)

4. On July 26, 2006, final judgment was entered in favor of plaintiff and against defendants. (Filing No. 41)

5. A fair and reasonable hourly rate for attorney fees for Sally A. Rasmussen, counsel for plaintiff Christopher Costa, M.D., is One Hundred Twenty-Five Dollars (\$125.00).

6. A fair and reasonable hourly rate for attorney fees for Jocelyn Walsh Golden and Carly J. Beusch, associate attorneys and counsel for plaintiff Christopher Costa, M.D., is Ninety-Five Dollars (\$95.00).

7. Filed herewith and incorporated herein by this reference is the Affidavit of Sally A. Rasmussen setting forth the necessary hours directly attributable only to the pursuit of the representation of plaintiff with respect to the filing of the complaint, the filing of the motion for summary judgment, the briefing and legal research in support of plaintiff's motion for summary judgment and in opposition to defendants' motion for summary judgment and compliance with the court's periodic orders herein.

8. Filed herewith and incorporated herein by this reference is the Affidavit of attorney David M. Woodke attesting to the reasonable rates of Sally A. Rasmussen, Jocelyn Walsh Golden and Carly J. Beusch for services rendered before this court, and attesting that the hours expended by such attorneys in connection therewith were fair and reasonable.

9. A fair and reasonable value for the attorney fees for the services provided by Sally A. Rasmussen is \$6,400.00 for 51.20 hours at \$125.00 per hour.

10. A fair and reasonable value for the attorney fees for the services provided by

Carly J. Beusch is \$266.00 for 2.8 hours at \$95.00 per hour.

11. A fair and reasonable value for the attorney fees for the services provided by Jocelyn Walsh Golden is \$427.50 for 4.5 hours at \$95.00 per hour.

Wherefore plaintiff respectfully requests that the court enter an order awarding reasonable attorney fees to plaintiff in the amount of \$7,093.50.

DATED: August 9, 2006.

CHRISTOPHER COSTA, M.D., Plaintiff

BY: s/ Sally A. Rasmussen  
Sally A. Rasmussen, #19019  
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Certificate of Service

The undersigned attorney hereby certifies that on August 9, 2006 a true and correct copy of the foregoing Plaintiff's Motion for Attorney Fees was served upon defendants' attorney, Paul D. Boeshart, by electronic filing.

BY: / Sally A. Rasmussen  
Sally A. Rasmussen, #19019